

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action mailed February 13, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-20 are pending in the present application.

In the Office Action, claims 1, 6, 7, 9, 11, 12, 15-16, 18 and 20 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,654,552 to Toombs ("Toombs"). Claims 1, 10, 12 and 19 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 2,459,693 to Gordon ("Gordon") in view of Toombs. Claims 2, 3, and 14 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Toombs in view of U.S. Patent No. 3,769,869 to Stone ("Stone"). Claims 4, 5 and 13 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Toombs in view of U.S. Patent No. 6,172,613 to DeLine ("DeLine"). It is respectfully submitted that claims 1-20 are patentable over any combination of Toombs, Gordon, Stone and DeLine for at least the following reasons.

Toombs shows a lamp shade 130 (see, FIG. 7) with a glow-in-the-dark ink pattern 132 applied to the lamp shade. The Office Action has taken a position that "Toombs also teaches the after-glowing material being shaped in a predetermined pattern (pattern 132) that is configured to display information (pattern 132 is of the moon, therefore symbolizing night time or bed time)" (See, page 2 of the Office Action), however, it is respectfully submitted that Toombs makes no such disclosure. In fact Toombs does not disclose or suggest that the pattern of the glow-in-the-dark ink displays information or symbolizes anything. The suggestion that the image of Toombs displays information as discussed in the Office Action does not in fact come from Toombs and therefore, must be derived from hindsight from the present application, a process that is forbidden.

Toombs does state that (emphasis added) "patterns such as stars, a moon, and mountains on a dark blue background representing sky, or fish on a dark green background representing water. Various other patterns would be appropriate, such as animals or abstract shapes on dark backgrounds." (See, Toombs, col. 5, lines 14-18.) So in Toombs, it is the background if anything that represents something, though it is respectfully submitted that just

because the background represents something, it still does not convey information as recited by independent claims 1 and 12.

Further, in Toombs, it is clear that the light from the light bulb 136 is visible through portions of the lamp other than through the lamp shade as shown in FIG. 7.

Gordon is directed to a "laminated construction comprising a central phosphorescent sheet sandwiched between two red fluorescent sheets" (see, Col. 2, lines 16-19) that has laminations 8 and 10 which are "otherwise clear and colorless" but are rendered red by "having incorporated fluorescent pigments of the proper color ..." (See, Col. 3, lines 57-60 of Gordon.) The phosphorescent additive distributed uniformly throughout the sheet is not a predetermined pattern of the phosphorescent additive that is configured to display information. Gordon also shows that the fluorescent pigment is distributed through the phosphorescent sheet and therefore is not distributed throughout a portion less than an entire portion of the light transmissive material.

It is respectfully submitted that the device of claim 1 is not anticipated or made obvious for that matter by the teachings of Toombs and/or Gordon. For example, Toombs and Gordon does not disclose or suggest, a device that amongst other patentable

elements, comprises (illustrative emphasis provided) "the after-glowing material is shaped in a predetermined pattern configured to display information and to be substantially invisible when the light means generates the primary light, wherein the predetermined pattern is distributed throughout a portion less than an entire portion of a light transmissive material, wherein the illuminating device is configured to only allow viewing of the primary light through the light transmissive material" as recited in claim 1, and as similarly recited in claim 12.

Toombs and Gordon clearly do not disclose or suggest that the glowing material is shaped in a predetermined pattern configured to display information and individually do not disclose or suggest the identified portions of the claims above. Stone and DeLine are cited for allegedly showing other elements of the claims and as such, do nothing to cure the deficiencies in each of Toombs and Gordon.

Accordingly, it is respectfully submitted that independent claims 1 and 12 are allowable over Toombs and Gordon, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-11 and 13-22 should also be allowed based at least on their dependence from independent claims 1 and 12 as

well as for the separately patentable elements contained in each of the dependent claims.

For example, Toombs and Gordon alone and in combination with any of Stone and DeLine does not disclose or suggest "wherein intensity I_{1m} of the primary light emitted by the light means as compared to the secondary intensity I_{1e} of the secondary light emitted by the light-emitter is such that $I_{1e}/I_{1m} < 0.5$ ", "wherein intensity I_{1m} of the primary light emitted by the light means as compared to a secondary intensity I_{1e} of the secondary light emitted by the light-emitter is such that $I_{1e}/I_{1m} < 0.1$ ", or "wherein a primary intensity I_{1m} of the primary light as compared to a secondary intensity I_{1e} of the secondary light is at least one of $I_{1e}/I_{1m} < 0.5$ and $I_{1e}/I_{1m} < 0.1$ " as respectively required by claims 2, 3 and 14. Stone is cited in rejecting claims 2, 3 and 14 however it is respectfully submitted that reliance on Stone is misplaced. Each of claims 2, 3 and 14 are directed to a relative illumination intensity of the primary light to the secondary light. The cited sections of Stone are directed to a duration of illumination of phosphorescent material and are therefore unrelated to claims 2, 3, and 14. While this was previously pointed out in the Amendment

submitted on January 23, 2008, these points were never addressed in the present Office Action.

Accordingly, should a subsequent Office Action uphold the rejection of claims 2, 3 and 14 and provide further explanation for the rejection, it is respectfully requested that the Office Action be rendered as non-final to provide the Applicants an opportunity to reply as needed.

Further, DeLine is cited in support of the rejections of claims 4, 5 and 13 but it is respectfully submitted that reliance on DeLine is misplaced. While claims 4, 5, and 13 are directed to the light output of the after-glowing material, DeLine addresses a light output of LED light sources (see, col. 30, lines 37-46 cited in the Office Action) which do not provide any after-glowing property and therefore does nothing to supply that which is missing from Toombs.

Accordingly, separate consideration and allowance of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the

presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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